
HOUSE BILL No. 1214

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-5-6.

Synopsis: Landlord-tenant law. Specifies circumstances in which a landlord may enter a tenant's dwelling unit.

Effective: July 1, 2007.

Pierce

January 11, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1214

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-31-5-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) This section does
3 not apply if the dwelling unit has been abandoned.

4 (b) For purposes of this section, a dwelling unit is considered
5 abandoned if:

6 (1) the tenants have failed to:

7 (A) pay; or

8 (B) offer to pay;

9 rent due under the rental agreement; and

10 (2) the circumstances are such that a reasonable person would
11 conclude that the tenants have surrendered possession of the
12 dwelling unit.

13 An oral or written rental agreement may not define abandonment
14 differently than is provided by this subsection.

15 (c) Except as authorized by judicial order, a landlord may not deny
16 or interfere with a tenant's access to or possession of the tenant's
17 dwelling unit by commission of any act, including the following:

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(1) Changing the locks or adding a device to exclude the tenant from the dwelling unit.

(2) Removing the doors, windows, fixtures, or appliances from the dwelling unit.

(3) Interrupting, reducing, shutting off, or causing termination of any of the following to a tenant:

(A) Electricity.

(B) Gas.

(C) Water.

(D) Other essential services.

However, the landlord may interrupt, shut off, or terminate service as the result of an emergency, good faith repairs, or necessary construction. This subdivision does not require a landlord to pay for services described in this subdivision if the landlord has not agreed, by an oral or written rental agreement, to do so.

(d) A tenant may not interrupt, reduce, shut off, or cause termination of:

(1) electricity;

(2) gas;

(3) water; or

(4) other essential services;

to the dwelling unit if the interruption, reduction, shutting off, or termination of the service will result in serious damage to the rental unit.

(e) A tenant may not unreasonably withhold consent to the tenant's landlord to enter the tenant's dwelling unit in order to:

(1) inspect the dwelling unit;

(2) make necessary or agreed to:

(A) repairs;

(B) decorations;

(C) alterations; or

(D) improvements;

(3) supply necessary or agreed to services; or

(4) exhibit the dwelling unit to prospective or actual:

(A) purchasers;

(B) mortgagees;

(C) tenants;

(D) workers; or

(E) contractors.

(f) A landlord may enter the dwelling unit:

(1) without notice to the tenant in the case of an emergency

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- 1 that threatens the safety of the occupants or the landlord's
2 property; and
3 (2) without the consent of the tenant:
4 (A) under a court order;
5 (B) if the tenant has abandoned or surrendered the
6 dwelling unit; or
7 (C) for the reasons listed in subsection (e).
8 (g) A landlord:
9 (1) shall not abuse the right of entry or use a right of entry to
10 harass a tenant;
11 (2) shall give a tenant reasonable written or oral notice of the
12 landlord's intent to enter the dwelling unit; and
13 (3) may enter a tenant's dwelling unit only at reasonable
14 times.

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